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ABSTRACT

In response to a mandate from the Board of Governors of the California Community Colleges, this report analyzes current minimum standards for instructional programs, faculty, and facilities in the community college system and offers proposals for Board discussion and modification. First, background information is provided on the Board's criteria for minimum standards and ongoing efforts concerning minimum standards' revision. The next sections review the adequacy of current standards in covering specific aspects of instructional programs, faculty, and facilities. With respect to instructional programs, the report focuses on objectives, curriculum consistency, course and program approval, curriculum balance, review process, articulation, information dissemination, calendar approval, credit/non-credit and state support criteria, class size, and program priorities. With regard to faculty standards, the report considers educational adequacy, number of instructional staff, faculty evaluation, inservice training, academic freedom, compensation, governance role, full-/part-time faculty, and affirmative action. Finally, in the area of facilities, the report examines standards for libraries and learning resource centers, general facilities and equipment, and facilities and educational planning consistency. Appendices present current minimum standards and the Board's criteria for minimum standards. (LL)

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Board of Governors of the
California Community Colleges
July 14-15, 1983

Item 1

ED231458

Title: Minimum Standards for Instructional Programs, Faculty and Facilities

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General Counsel

Summary

The Board of Governors, in adopting its major rewrite of minimum standards in March of 1983, directed additional staff work in three areas. The Board declined to repeal current minimum standards on the subjects of instructional programs, faculty and facilities; rather, it decided to retain them until staff came up with more acceptable standards.

This item details staff's initial work on developing these new standards, and offers proposals for Board discussion and modification. It is suggested that the Educational Policy Committee focus on any changes which may be necessary, and also on whether there are additional aspects of these subjects which the Board should regulate as minimum standards. An action recommendation to the full Board is contemplated for September or October, after opportunity for further staff and field review.

JC 830 306

Background

The Board adopted major revisions of Title 5 regulations pertaining to minimum standards for district receipt of state aid in March, 1983. At that time the Board decided to retain existing standards on the subjects of instructional programs, faculty, and facilities. (See Appendix A for text of existing standards.) Staff had suggested that these standards be repealed because they did not meet one or more of the five established criteria (Appendix B) for minimum standards. Essentially, staff felt these standards were either too vague, or that they were already being adequately monitored through other accountability mechanisms, such as the accreditation process, fiscal audits, the credentialing process, or the Community College Construction Act.

The Board was reluctant to simply repeal these provisions and leave what it considered to be a critical gap in these important areas. Accordingly, it decided to retain the standards until staff could come up with more suitable provisions.

This item contains an initial draft of new minimum standards for instructional programs, faculty, and facilities. This draft has been developed by identifying the major aspects which these minimum standards could conceivably regulate, and then assessing these aspects against two of the Board's five criteria for minimum standards (Appendix B). Those two criteria essentially require that minimum standards should only address matters:

(1) which are not otherwise adequately addressed and monitored through other accountability standards and mechanisms; and

(2) which are of compelling state interest.

Then, once it has been determined that a minimum standard is appropriate, such standards should be drafted so as to:

(3) establish achievable base levels of performance;

(4) be objectively verifiable; and

(5) be capable of being monitored within the agency's limited resources.

Before proceeding with the analysis, an important point needs to be made to bring this item into perspective. That is, there are other ongoing efforts which may well bring about revisions and additions to minimum standards in the coming months. First, the Board has committed itself to an annual review of the minimum standards to commence late this fall. Second, the Academic Quality Task Force may well recommend changes or additions to minimum standards; and, finally, the Course Criteria Committee may also have recommendations which could be adopted as minimum standards. Staff believes that the revisions proposed in this item should not duplicate or usurp recommendations that will probably be forthcoming from these other efforts. In this light, staff has tried to keep changes proposed in this item relatively focused and confined in scope.

A. INSTRUCTIONAL PROGRAMS

Conceivably, a minimum standard or standards on instructional programs could cover one or more of the following aspects:

(1) Requiring stated objectives and functions for the instructional program;

(2) Requiring the curriculum to be consistent with the stated objectives;

(3) Requiring approval of courses and programs by the Board of Governors;

(4) Requiring program or curriculum balance;

(5) Requiring a review process for the establishment, modification or discontinuance of courses or programs;

(6) Requiring program articulation with high schools and four-year institutions;

(7) Requiring information dissemination regarding instructional offerings;

(8) Requiring academic calendar approval;

(9) Regulating criteria for credit and noncredit, as well as criteria for state support;

(10) Regulating class size;

(11) Establishing priorities for instructional programs.

Accountability standards and processes which are already in place, or which are in the process of being developed, to address these aspects are as follows:

1. Objectives for Instructional Program:

Accreditation standard 1A requires colleges to be guided by clearly stated general goals with specific objectives which are consistent with the historical and legal mission of the public community college. The present minimum standard Section 51020 (see Appendix A) requires a college to have stated objectives for its instructional program and the functions which it undertakes to perform.

2. Curriculum Consistent with Objectives:

Accreditation standard 2A requires the educational program of a college to be clearly related to the objectives of the institution. The present minimum standard Section 51021 (see Appendix A) requires a college to establish such programs of education and courses as will permit the realization of the objectives and functions of the college.

3. Course and Program Approval:

Education Code Sections 78200 and 78401, as well as Sections 55100 and 55130 of Title 5, require the Board of Governors to approve courses and programs. Sections 78203 and 78412 of the Education Code, as well as Section 58050 of Title 5, require courses and programs to be approved in order to generate state aid (ADA). These course and program approval requirements are monitored through fiscal audits of community college districts conducted pursuant to Section 84040 of the Education Code.

4. Balanced Curriculum:

Program or curriculum balance is already regulated or monitored in a number of ways. Section 55001 of Title 5 requires districts to classify their programs in accordance with the Board's course classification structure. Districts are also required to report scheduled course activities in connection with the Chancellor's Office Information System. The $30,000,000 course deletion list adopted by the Board in July 1982 also, at least indirectly, regulates program balance. Currently, the Committee on Course Criteria is seriously considering a balanced curriculum criterion for state aid eligibility.

5. Program Review:

Section 55130 of Title 5 specifies criteria which must be addressed and met before the Chancellor will approve a program which a district wishes to establish. Section 78016 of the Education Code requires vocational and occupational training programs to be reviewed every two years to assure need, nonduplication and demonstrated effectiveness. Accreditation standard 2B requires educational evaluation and planning to be systematic and to involve representatives of all appropriate segments of the institution. Currently, the proposal for comprehensive planning by districts has a component which addresses the establishment, review, and discontinuance of programs and courses.

6. Articulation:

Staff has been unable to locate any statute, regulation, or accreditation standard expressly requiring articulation with four-year institutions. Education Code Sections 8530-8533 provide a delineation of functions for certain adult education responsibili-

ties (adult basic education, high school diploma, vocational and occupational training), and call for mutual agreements between high school and community college districts. Average daily attendance is not allowed in the absence of required agreements (Education Code Section 8512; Title 5 Section 58050), and this requirement is monitored through annual fiscal audits conducted pursuant to Section 84040 of the Education Code.

Currently, the comprehensive planning proposal is being developed to focus on the articulation concern. As a part of comprehensive planning, districts will be required to address statewide priorities identified by the Board of Governors. One such priority in the Board's initial statement calls for community college districts to "provide transfer programs of high quality which are carefully and continuously articulated with the senior institutions and the high schools."

7. Information Dissemination:

Accreditation standard 2D requires that students and the public be provided with clear, accurate, and helpful information about programs and course offerings through catalogs, bulletins, handbooks, and other publications. Section 58104 of Title 5 (an attendance accounting standard related to open courses) requires dissemination of information regarding course offerings. This standard is monitored through annual fiscal audits.

8. Academic Calendar:

Sections 55700-55732 of Title 5 require districts to obtain approval of the Chancellor prior to any changes in their academic calendar configurations. It is anticipated that the review and approval of academic calendars will be handled as part of a district's comprehensive plan.

9. Criteria for Credit and Noncredit:

The Board of Governors has established criteria and standards for credit and noncredit courses in Section 55002 of Title 5. These criteria and standards are monitored in connection with the course approval process, but not subsequently. They could be monitored through annual fiscal audits by making them attendance accounting standards; they could also be monitored as minimum standards.

The Committee working on educational criteria (to replace the course deletion list) will most likely be making a recommendation on this subject.

10. Class Size:

Class size is a topic expressly within the scope of collective bargaining. Class size is also intended to be regulated through the "50% Law" (Education Code Section 84362).

Staff believes that class size would be difficult to regulate at the state level without being either arbitrary or vague. Variables, such as the subject being taught, the methodology of instruction, and the use of instructional aides, all affect what the appropriate class size might be in any given instance.

11. Program Priorities:

The Board of Governors, in its initial Statement of Mission and Priorities, established policy on which programs are important from the state perspective. This statement as well as its intended purposes, is under review.

Staff believes that program priorities should be used in connection with the comprehensive planning process, rather than being adopted and monitored as minimum standards. The diversity of the colleges and the communities they serve make inappropriate the imposition of a uniform, mandated set of program priorities.

Of these eleven aspects, three (curriculum balance, criteria for credit and noncredit, program priorities) are being addressed by special advisory committees, and four (course and program approval, information dissemination, academic calendar, class size) are already sufficiently addressed and monitored through other accountability mechanisms. Of the remaining four:

-- objectives for instructional program;
-- curriculum consistent with objectives
-- program review
-- articulation

the analysis must proceed to whether there is a "compelling state interest" (see Appendix B, Criteria #4) that would justify the imposition of minimum standards. Staff does not believe that there is a compelling interest to regulate regarding the first two aspects. It believes they are being adequately addressed through accreditation standards and the accreditation process.

With respect to program review and articulation, however, staff believes the Board has a compelling interest to regulate. A current topic of considerable concern to the Legislature is the extent to which vocational offerings are reviewed for need, nonduplication, and effectiveness. With the advent of the federal Job Training Partnership Act and state implementing legislation (bringing about private industry councils and new service delivery areas), there is even greater pressure for entities external to the college to be determining curriculum and program content. In order to maintain maximum autonomy regarding curriculum, community college districts will need to demonstrate that they are reviewing their offerings--that they are keeping pace with communities' needs regarding the establishment, modification, and discontinuance of courses and programs.

Proposal:

51020. Instructional Program.

(a) The governing board of each community college district shall develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilites regarding program review, and shall also be consistent with planning requirements specified by the Board of Governors under Section 51008 of this Chapter.

(b) The governing board of each community college district shall develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with California's four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 71025, and 78405, Education Code.
Reference: Sections 71025, 71070, 78200, and 78405, Education Code.

Comment: Subsection (a) requires program review as required by statute (Education Code Section 78016) and as required by the Board of Governors as part of the comprehensive planning process. The appropriate cycle for program and course review will be fixed through regulations of the Board on comprehensive planning.

Subsection (b) requires articulation policies to be adopted and carried out by districts. The particular policies and procedures are up to local discretion.

B. FACULTY

The Education Code (Section 71068) requires the Board to establish minimum standards for the employment of academic staff in community colleges. District governing boards are, in turn, required to employ and assign all personnel not inconsistent with the minimum standards adopted by the Board of Governors (Section 72290).

Conceivably, a minimum standard or standards on faculty could cover one or more of the following aspects:

(1) Adequacy of education, training, and experience of instructors;

(2) Sufficiency of instructional staff (in terms of numbers) for student contact and professional growth;

(3) Evaluation of faculty;

(4) Inservice training and professional growth;

(5) Academic freedom;

(6) Compensation, benefits, and other terms and conditions of employment;

(7) Faculty role in college governance;

(8) The necessary "core" of full-time faculty, or a limit on part-time faculty;

(9) Affirmative action.

Accountability standards and processes which are already in place, or which are in the process of being developed, to address these aspects are as follows:

1. Adequacy of Education and Training:

The Education Code (Sections 87274-87277) and Title 5 (Sections 52000, 52060-52069) require community college faculty to have instructor credentials which are issued by the Board of Governors. These statutes and regulations specify minimum requirements for receipt of a credential. They are monitored through annual fiscal audits of attendance accounting procedures (Title 5, Sections 58050, 58060), which require instructors to possess appropriate credentials before attendance in courses they teach is counted for purposes of state aid.

Minimum standard Section 51022 (see Appendix A) requires colleges to have an adequate teaching staff showing adequate scholarship, experience and teaching ability for each major field of the curriculum.

Accreditation standard 3A requires colleges to have a staff that is qualified by training and experience to achieve and promote the objectives of the institution.

2. Sufficiency in Numbers:

Minimum standard Section 51022 (see Appendix A) requires a college to have a sufficient number of faculty members to enable students to receive individual guidance and assistance in learning and to permit the continued professional growth of faculty members.

Accreditation standard 3C requires staff to be sufficient in number and diversity of preparation to provide effective instruction, while participating in educational planning and policy-making, curriculum development, and instructional governance.

Class size, as well as terms and conditions of employment (faculty workload, office hours, and other job requirements) are negotiable items in collective bargaining. If the Board

chooses to regulate in this area, it will need to be careful not to overly interfere with that process.

3. Evaluation of Faculty

The Education Code (Section 87663) specifies that contract employees must be evaluated at least once each academic year, while regular employees must be evaluated at least once every two academic years. Temporary (part-time) employees are not required to be evaluated. Districts are required to adopt rules and regulations establishing their specific procedures for evaluation.

Neither existing minimum standards nor accreditation standards directly speak to an evaluation requirement. Districts, in reporting staff data for the Chancellor's Office Information System, are required to indicate which of their employees they evaluate.

Collective bargaining agreements can provide for evaluation of other employees, or for additional evaluations of employees required by the Education Code to be evaluated.

If the Board were to adopt a minimum standard requiring any kind of evaluation that was not required by the Education Code, a substantial state-mandated cost would probably be involved. Before such a regulation could be effective, the agency would need to secure legislative approval of an additional allocation of funds to reimburse districts.

4. Inservice Training and Professional Growth:

Minimum standard Section 51023 (see Appendix A) requires each college to have a sufficient number of faculty . . . to permit the continued professional growth of the faculty members. No accreditation standards directly speak to this aspect. The Education Code contains provisions which generally permit, but do not require, districts to grant leaves of absence or otherwise mandate professional growth activities. These Education Code provisions are, in turn, normally implemented through collective bargaining agreements. The Board of Governors has no express responsibilities regarding inservice training.

A state-mandated cost would again be involved if the Board chose to mandate a particular program of inservice training for faculty.

5. Academic Freedom:

Accreditation standard 3D requires institutional policy regarding the safeguarding of academic freedom and responsibility to be clearly stated and readily available. Board minimum standards do not address this topic, although the Education Code (Section 71079) requires the Board to adopt minimum procedures to ensure that faculty and students have the opportunity to express their opinions at the campus level.

6. Compensation Benefits, Terms and Conditions of Employment

Neither existing minimum standards nor accreditation standards deal with this topic. While such factors as office hours, faculty workload, and out-of-class responsibilities have an effect on the quality of service being provided, these matters have traditionally been considered the province of collective bargaining.

7. Faculty Role in Governance

Accreditation standard 9C requires the role of faculty in institutional governance to be clearly defined. The Board of Governors has adopted a series of regulations (Sections 53200-53205) providing for the creation and functions of local academic senates. These regulations also carry out the Board's mandate to ensure that faculty can express its opinions at the local level. The local senates, along with faculty bargaining agents in the collective bargaining process, carry out faculty responsibilities regarding governance. The Board of Governors does not monitor district compliance with regulations regarding academic senates.

8. Core of Full-Time Faculty:

The concept has been proposed that each college needs some minimum core of full-time inmstructors to ensure that faculty can meet its responsibilities to participate in governance, help plan the curriculum, hold office hours, advise students, and otherwise provide quality instruction. This concept is frequently discussed in tandem with the part-time instructor issue, since these employees are not usually required to hold office hours, participate in curriculum planning, or otherwise provide a full-time commitment to the college. Current law (Education Code Section 87613) limits the use of part-time instructors; it does not, however, address the concept of a core of full-time faculty.

In many respects, this concept of a core of full-time faculty is similar to the "Sufficiency in Numbers" (aspect #2), except that the core concept focuses on the numbers or percentages of

full-time faculty members rather than the sufficiency in numbers of all instructors.

9. Affirmative Action:

Current minimum standard Section 51010 requires districts to adopt affirmative action policies and plans, annually survey their employment patterns, undertake a program of recruitment, and substantially comply with regulations of the Board (Sections 53000 et seq.) pertaining to affirmative action. This standard was developed as a part of the Board's comprehensive review of minimum standards; no modification is proposed at this time.

Of these nine aspects, four appear to be sufficiently addressed and monitored through other accountability mechanisms (adequacy of experience; sufficiency in numbers; compensation, benefits, and terms and conditions of employment; and core of full-time faculty). Affirmative action is appropriately addressed and monitored as a minimum standard. Finally, four aspects (evaluation, inservice training, faculty role in governance, and academic freedom) are worthy of further consideration as minimum standards, provided there is a compelling state interest for such regulation.

The lack of an evaluation requirement for part-time employees has been a significant legislative issue for several years. Some have argued that it is a significant factor in the Legislature's imposition of the part-time instructor limit.

Currently, about 30% of the districts do not have formally defined methods or frequencies for evaluation of their part-timers; about 70% have specific procedures which range from once each term for two years to evaluating once every three years of employment.

Any evaluation problems regarding contract and regular employees do not appear to rise to the level of a compelling state interest. As such, the issue is whether the Board should consider establishment of a minimum standard requiring the evaluation of part-time employees.

Staff believes that evaluation of part-time employees should be resolved through legislation, not through minimum standards. Part-time instructor issues are interrelated, and expensive to resolve because they involve state-mandated costs. Office hours, evaluation, out-of-class responsibilities, layoff, seniority rights, and possibly pay should all be addressed in a single package with the Legislature making the appropriate fiscal adjustments.

With respect to inservice training, staff does not believe there is a compelling state interest which would justify the Board's intervention with a minimum standard.

Finally, with respect to the faculty role in governance and academic freedom, staff believes there may be a compelling state interest which justifies the Board's intervention. Faculty groups have recently testified that more and more decisions have been removed from the classroom, and that severe resource constraints, coupled with fears of being laid off, are acting to inhibit academic freedom. Also, the Board has an express legislative responsibility to ensure faculty input at the local level; and these regulations are not being monitored. Accordingly, staff believes that the Board might consider a minimum standard on the subject.

Proposal:

51022. Faculty.
The governing board of a community college district shall:
(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.
(b) Adopt procedures which are consistent with the provisions of Sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.
(c) Substantially comply with the policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700, 71025, 71068, Education Code.
Reference: Sections 71025, 71068, 72292, Education Code.

Comment: Subsection (a) is already required by accreditation standard 3D and would, therefore, constitute no extra burden on districts. Subsection (b) is already required by Section 72292 of the Education Code. Subsection (c) requires "substantial" rather than absolute compliance. With the adoption of these provisions the Board can begin monitoring these requirements with relatively little intrusion.

C. FACILITIES

Under provisions of the Education Code, the Board of Governors reviews and approves or disapproves all capital outlay projects involving state funding. With respect to 100% locally-financed construction, the Board must still review and approve any outlay exceeding $150,000. All construction, whether state or locally financed, must first be addressed in a district's approved five-year master plan for facilities. Also, districts are annually required to submit an inventory of all space within the district. Finally, the Board administers a program of deferred maintenance funding which is handled on a project basis. Outside of these responsibilities, the Board does not have other major express roles regarding community college facilities.

Conceivably, a minimum standard or standards on facilities could cover one or more of the following aspects:

(1) The adequacy of libraries and learning resource centers;

(2) The adequacy and sufficiency of facilities and equipment generally;

(3) The concept that facilities planning be based on educational planning.

Accountability standards and processes which are already in place, or which are in the process of being developed, to address these aspects are as follows:

1. Adequacy of Libraries and Learning Resources:

Current minimum standard Section 51025 requires each community college to have an adequate working collection of books for each major field of the curriculum. New acquisitions are to be made in accordance with student enrollments. Accreditation standard 6A requires all learning resources to be sufficient in quantity, depth, diversity, and currentness to support all of the institution's educational offerings at appropriate levels. Standard 6B requires an organized procedure for the selection and evaluation of learning resource materials. Standard 6C requires learning resource materials to be readily available.

Some organizations have recommended that the Board move to standards which establish specific minimum numbers of books, periodicals, audiovisual materials, etc., depending on the number of full-time students attending the college. While these standards are more objectively verifiable, staff believes they also may be somewhat arbitrary.

2. Adequacy of Facilities and Equipment Generally:

Current minimum standard Section 51025 requires each community college to have "adequate" equipment, materials, and furnishings for specified offerings in the curriculum. Accreditation standard 7A requires facilities to be designed, maintained and managed so that the institution can fulfill its goals and objectives. Standard 7B requires equipment necessary for the educational program and services to be furnished and maintained.

3. Facilities Planning Based upon Education Planning:

Accreditation standard 7C requires facilities planning to be based on educational planning. Neither the Education Code nor regulations

of the Board of Governors address this subject, except that districts are required to submit master plans for educational programs and facilities (Education Code Section 71028), and that plans for facilities are required to address future academic programs (Education Code Section 81821).

Of these three aspects, staff believes all of them are being adequately addressed and monitored through existing accountability mechanisms. Accordinagly, it would recommend repeal of existing minimum standards Sections 51024 and 51025.

APPENDIX A

Present Minimum Standards on Programs, Faculty and Facilities

51020. Objectives.
Each community colleges shall have stated objectives for its instructional program and for the functions under which it undertakes to perform.

51021. Curriculum.
Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

51022. Faculty Personnel.
Each community college shall have an adequate teaching staff showing adequate scholarship, experience, and teaching ability for each major field of the curriculum.

51023. Conditions of Instruction.
Each community college shall have a sufficient number of faculty members to enable the students to receive individual guidance and assistance in learning and to permit the continued professional growth of the faculty members.

51024. Library.
Each community college shall have an adequate working collection of books for each major field of the curriculum. New acquisitions shall be made in accordance with student enrollments.

51025. Facilities for Certain Courses.
Each community college shall have adequate equipment, materials and furnishings for courses offered in agriculture, business and commercial education, fine arts, home economics, industrial and technical training, music, natural and physical sciences, and physical and health education.

APPENDIX B

Criteria for Minimum Standards

1. *Minimum standards should represent base levels of performance or functioning which the Board believes all districts can and should comply with.*

   Minimum standards are not appropriate for requiring levels of performance which the Board hopes or would like to see districts achieve. Rather, the minimum standard establishes the base level of performance. The agency, of course, will be interested in moving districts beyond these base levels of performance; but it shouldn't do so through minimum standards. Rather, it should encourage and assist districts using such accountability mechanisms as statewide priorities and the comprehensive planning process.

2. *Minimum standards should be limited to those subjects which are the most critical in terms of compliance, with careful consideration given to assessing the staff time and resources necessary to monitor the standards and whether such time and resources can be made available without sacrificing other important agency responsibilities.*

   A minimum standard is a serious compliance mechanism because of its link with state aid and because it will be actively monitored. With respect to each and every aspect of a minimum standard, the Board should be certain that it is willing to withhold funds in the event of noncompliance. Also, the Board should consider the amount of time and resources it will take to actively monitor the minimum standard. Given other agency responsibilities and the limited resources available, the Board should determine that the active monitoring of compliance is essential and that other important agency functions won't be unduly impaired.

3. *Before deciding to adopt a minimum standard for a given subject the Board should consider other compliance mechanisms which are available to address compliance with the same subject.*

   As mentioned previously, the Board has available numerous compliance mechanisms other than minimum standards. For instance, with respect to attendance accounting standards and standards for the 175-Day Rule, the local fiscal audit is a workable compliance mechanism already in place. Consequently, the attendance accounting and 175-Day Rule standards don't need to be considered as minimum standards.

4. *Minimum standards should be limited to those subjects specifically designated by the Legislature or those subjects which are of such compelling state interest that the Board finds it necessary to impinge on local autonomy and control of the colleges.*

The Legislature specifically requires the Board to develop minimum standards for grading policies (Education Code 71066), for the employment of academic and administrative staff (Education Code 71068), and for district formation (Education Code 74100). Two other provisions (Education Code 66700 and 71025) confer broad power to establish minimum standards.

With respect to the exercise of this broad power, however, the Board needs to be mindful of the community college governance structure, and particularly its charge under Section 71023 of the Education Code:

> ...The work of the Board shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local autonomy and control in the administration of the community colleges.

When the Legislature requires the Board to adopt minimum standards on a given subject it should be assumed that a compelling state interest was present to justify the intrusion into local control. Generally speaking, the interest in uniformity, standardization, or certain minimum levels of performance is seen to outweigh the interest in allowing districts to tailor their own particular policies on a subject. The Board of Governors should consciously ask and answer a similar question: Is this matter of such compelling state importance that it requires us to impinge on local autonomy; and does the particular minimum standard leave as much local control intact as possible?

As to what constitutes a "compelling state interest," this concept is more of a conclusion of the Board, given the particular conditions which are found to exist, than it is a term which can be defined and applied. In general, a compelling state interest involves a documented or demonstrable problem which has not been (and probably cannot be) addressed by many or most districts, and which is resulting in a diminution in the quality of community college education, inequities to students, or damage to the perception of community colleges in the eyes of entities of State government (especially the Legislature) or the general public. The concept of compelling state interest essentially requires the Board to find that a real problem exists, and a problem that many districts aren't addressing, and that unless the Board intervenes it's likely that the Legislature or some other state agency will, thus hurting the community colleges as a whole.

5. *Minimum standards should be objectively verifiable; they should not be subjective or vague.*

There are at least three reasons why minimum standards should be objectively verifiable and clear. First, it is critical that districts clearly understand what is expected of them. On a matter which involves their receipt of state aid districts should not be left guessing about what they need to do. Second, the evaluation of compliance with minimum

standards should not be dependent on the subjective judgment of the particular person doing the evaluation. Different persons should be able to apply the standards and reach the same conclusions. Finally, a standard which is vague would probably not withstand a court challenge or otherwise be legally enforceable.

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